

REMARKS

Claims 1-2 and 11 are currently pending in the present application, with claims 1 and 11 being written in independent form. Claims 1 and 11 have been amended to delete the term "metallic." Thus, the amendments neither invoke new matter nor require further search and/or consideration.

Interview Summary

Applicants thank the Examiner for the personal interview conducted on February 25, 2009. During the interview, independent claims 1 and 11 were discussed in view of the cited art (Furuya and Welch). Applicants emphasized that Furuya's disclosure of a composite layer with an alloy reflective film 3 on an organic ground film 8 (adhesive) is *not* an "organometallic compound," as recited in claims 1 and 11 (as understood by those of ordinary skill in the art). Applicants also emphasized that one of ordinary skill in the art would not have been motivated to substitute the organic ground film 8 of Furuya with the organic compounds of Welch. No specific agreement was reached from the interview, but the Examiner requested the filing of a formal response so that she can reconsider the rejection based on Furuya and Welch.

Claim Rejections under 35 U.S.C. § 103

Claims 1-2 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 2001-221908 (Furuya-JP)¹ in view of US 6,184,403 (Welch). Applicants respectfully traverse this rejection for the reasons below.

¹ The corresponding English disclosure of Furuya-JP may be found in US 6,514,628 (Furuya-US).

Cited Art Fails to Disclose All Claimed Limitations

Although the Examiner can give the pending claims their broadest *reasonable* interpretation (MPEP 2111) during examination, it is important to note that the broadest *reasonable* interpretation of the claims must still be *consistent* with the interpretation that those skilled in the art would reach. *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

As a preliminary matter, the combination of Furuya-JP and Welch fails to disclose the “**organometallic compound**” of claims 1 and 11. Rather, Furuya-JP merely teaches that the reflective film 3 (metal alloy) is adhered to the substrate 2 with the organic ground film 8.² Thus, the reflective film 3 is merely formed on the organic ground film 8 (adhesive). The carbon atoms of the organic ground film 8 are not chemically bonded to the metal atoms of the reflective film 3 so as to result in an “organometallic compound.” Thus, one of ordinary skill in the art would not interpret the composite layer (with the reflective film 3 and the organic ground film 8) as being an “organometallic compound,” as recited by claims 1 and 11.

No Motivation to Arrive at Examiner’s Asserted Combination

The proposed modification *cannot* render the prior art unsatisfactory for its intended purpose. MPEP 2143.01. If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is *no* suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

² *Furuya-JP*: English Abstract, last sentence (“The *joining property* is effectively reinforced by forming an organic base film 8 on the substrate 2 as the pretreatment and then forming the reflection film 3 thereon.”)

The Examiner asserts that it would be obvious to substitute the organic ground film 8 of Furuya with the organic ligands of Welch to achieve “*higher volatility* in the organometallic compound.”³ Applicants respectfully disagree.

The organic ground film 8 of Furuya is an adhesive that improves the adhesion between the reflective film 3 and the substrate 2.⁴ In contrast, the metal-ligand complexes of Welch are “*highly volatile*” and beneficial as precursors in chemical vapor deposition processes.⁵ Thus, there is no reason why one of ordinary skill in the art would have been motivated to substitute the organic ground film 8 of Furuya with the organic compounds of Welch (especially when there is no indication that the organic compounds of Welch are even suitable as adhesives).

Furthermore, there is no reason why one of ordinary skill in the art would want the organic ground film 8 of Furuya to be formed of a “*highly volatile*” organic material. As noted above, the organic ground film 8 of Furuya is an adhesive that adheres the reflective film 3 to the substrate 2. Thus, there is no reason why one of ordinary skill in the art would want the organic ground film 8 (adhesive) of Furuya to be prone to *volatilization* during the operation of the vehicle-mounted lamp of Furuya.⁶

For at least the reasons above, a *prima facie* case of obviousness cannot be established with regard to claims 1 and 11. Consequently, a *prima facie* case of

³ Final Office Action (10/29/2008): p. 3, ln. 6-10.

⁴ *Furuya-JP*: English Abstract, last sentence (“*The joining property* is effectively reinforced by forming an organic base film 8 on the substrate 2 as the pretreatment and then forming the reflection film 3 thereon.”); *Furuya-US*: col. 3, ln. 5-7 (“[A]n organic ground film [8] for improving a *connecting characteristic* with the reflector film [3] is applied onto the substrate [2].”).

⁵ *Welch*: Abstract (“*volatile metal complexes*”); col. 2, ln. 1-2 (“*high volatility* in the metal complex”) and ln. 27-28 (“*metal-ligand complexes that are highly volatile*”); col. 3, ln. 17 (“*organometalloid compounds that confer volatility*”); col. 4, ln. 27 (“*volatile metal complexes*”).

obviousness cannot be established with regard to claim 2, at least by virtue of its dependency on claim 1. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the above rejection.

⁶ *Furuuya-US*: FIG. 1A; col. 3, ln. 47-50 ("vehicle-mounted lamp 4").

Conclusion

In view of the above, Applicants respectfully request the Examiner to allow all of the pending claims in the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required extension fee herewith.

If the Examiner believes that personal communication will expedite the prosecution of this application, then the Examiner is invited to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

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